

**Town of La Pointe Zoning  
Town Plan Commission Regular Monthly Meeting Minutes  
Wednesday, March 17, 2010**

**Town Plan Commission (TPC) Members Present:** Ted Pallas; Chair, Charles Brummer; Vice-Chair, Larry Whalen, Greg Thury, Suellen Soucek (5).

**Town Plan Commission Members Absent:** Ron Madich, Carey Baxter (2)

**Public Present:** Paul Brummer (1).

**Town Staff Members Present:** Jennifer Croonborg; ZA, Margaretta Kusch; ZCA (2)

**I. Call to Order/Roll Call**

Chair Pallas called the meeting to order at 4:00 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

**II. Public Comment**

P. Brummer gives his opinion that when the Town Plan Commission creates draft language for the Ordinance section on employee housing, a Conditional Use Permit should be required for houses with four or more occupants.

**III. Approval of Previous Meeting Minutes**

**1. Town Plan Commission Special Monthly Meeting, March 3, 2010**

- In minutes heading, change "*February 3, 2010*" to "*March 3, 2010.*"
- On page 1, Change "*C. Brummer moves to move*" to "*C. Brummer makes a motion to move.*"

C. Brummer moves to approve the Town Plan Commission Special Monthly Meeting minutes of March 3, 2010 as amended. S. Soucek seconds. All in favor, 5 aye. Motion Carries.

**2. Town Plan Commission Workshop, March 9, 2010**

- On page 4, change "*R-2 Wilderness Preservation district*" to "*W-2 Wilderness Preservation district.*"

G. Thury moves to approve as amended the Town Plan Commission workshop minutes of March 9, 2010. S. Soucek seconds. All in favor, 5 aye. Motion Carries.

**IV. Zoning Administrator's Report**

The Zoning Administrator reports that the Grabarek permit process is progressing without any problems and should be cleared up soon. The issue of the two structures that have been moved on to the T. Nelson property at Big Bay Rd. property without permits is being followed up on, and the owner is aware of the situation.

**V. Consideration and/or Action of Permit Applications:**

**1. Cain, Robert and Tara RE: application for a single-family dwelling @ 251 Big Oak Blvd.**

The Zoning Administrator has approved an application for a fill, and State and County sanitary permits for the property.

The proposed single-family dwelling is a prefabricated home to be built off-island. Big Oak Blvd. is a private road off of South Shore Rd. that is shared by multiple property owners, who share a covenant prohibiting mobile homes. In addition, the survey boundary markers are hard to locate, and perhaps not all there. This information has left the Zoning Administrator with two main questions for the Town Plan Commission.

Firstly, being that this property is located on a private road, should measurements be taken for setback for the new dwelling from the Right of Way of the private road easement or to the property line (which is the center line of the road easement)? If the setback is to be measured from the Right of Way, the site for the dwelling will have to be moved 25 feet.

C. Brummer worries about creating a situation where the property owners on this road eventually petition to have it be made a town road. Therefore, he thinks that the setback should be measured to the Right of Way. Chair Pallas concurs.

Secondly, is the regulation of private covenants under the jurisdiction of the Town Plan Commission? Specifically, is the Town Plan Commission to take into account the prohibition of mobile homes on this private road into account? Chair Pallas answers that this issue is not under Town Plan Commission jurisdiction. This is a civil matter to be resolved among the property owners.

Chair Pallas states that a motion is not necessary, just a consensus of opinion. It is then decided by the Town Plan Commission that the Zoning Administrator shall re-inspect the property and direct the property owners to move the dwelling 25 feet as a condition of approval.

## **VI. Old Business**

### **1. Zoning Ordinance Revision Project**

Chair Pallas makes a motion to move item VI 1.b to the top of Old Business. G. Thury seconds. All in favor, 5 aye. Motion Carries.

#### **a. Review and possibly revise working draft of tentative Ordinance Revision, Sections 1.0 through 16.0**

Not discussed.

#### **b. Section 6.0 Regulation of Special Uses: discuss possible addition of regulations regarding employee housing**

The definition of lodging facility [employee housing] is discussed at length. The number of people allowed in lodging facilities is capped at eight. The Uniform Dwelling Code (UDC) requires commercial buildings for 3 or more people, so it is decided to define lodging facilities as 3 to 8 non-transient occupants to stay consistent with other official standards.

C. Brummer notes that these numbers are just a rough draft to be put out for public scrutiny. Future public input will help the Town Plan Commission determine whether they are reasonable numbers for lodging facility occupants.

J. Croonborg, ZA states that she feels the proposed annual lodging permit is vital because as it stands now, there is no inspection of employee housing. There is no regulation of these dwellings in terms of smoke alarms, mold, fire safety, etc. She states that the health of the people living there and the health of neighbors is what is most important.

A definition for lodging facility is agreed upon, and reads as follows:

*“Lodging Facility:*

*A building or premises or part thereof in which sleeping accommodations are offered for three (3), but not more than eight (8) non-transients not members of a family.”*

In Section 3.0 Zoning Districts, R-1, R-3, and W-2 Conditional Uses, change “*Lodging Facilities*” to “*Lodging Facilities (up to three (3) non-transients).*”

In Section 3.0 Zoning Districts, Commercial District Permitted Uses, delete “*Lodging Facilities (of up to four (4) occupants)*” and in Commercial District Conditional Uses, change “*Lodging Facilities (of more than four (4) occupants)*” to “*Lodging Facilities (of three (3) to eight (8) non-transients).*”

J. Croonborg, ZA speaks to P. Brummer’s public comment and notes that lodging facilities are conditional uses and also require annual lodging permits. If a lodging facility has complaints and/or is a problem property, it most likely won’t get its lodging permit, so there still is a safeguard against problem facilities.

Minimum requirements for lodging facilities are discussed. P. Brummer comments that the State requirements for dwellings to be suitable for human habitation are: kitchen sink, toilet/water closet, bathroom sink, and bathtub and/or shower. C. Brummer states that he likes the requirements in the Middleton, WI Ordinance. It is agreed to adopt Middleton’s requirements (the following bullet points).

Add a new item “c” under F.1, titled “*Minimum Requirements for lodging facilities.*”

The following items are to be added as bullet points under this new item c:

- “*Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area for every additional occupant thereof, the floor area to be calculated on the basis of total habitable room floor area. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of habitable floor area for each occupant thereof.*
- “*No dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. One bathroom/water closet compartment is required for every four (4) occupants.*
- “*In all dwelling units the average ceiling height shall be not less than seven feet six inches (7’6”) and the minimum ceiling height shall be not less than seven feet zero inches (7’) in the entire first floor area. The minimum ceiling height shall be seven feet six inches (7’6”) for all floor areas above the first floor except under sloping roofs where the minimum shall be seven feet six inches (7’6”) for not less than fifty percent (50%) of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five (5) feet shall not be considered as part of the floor area in computing the maximum permissible occupancy thereof.*

- *No habitable room shall have its floor level below the alley, court, yard or street grade immediately adjoining or abutting upon said habitable room except that it may be permitted when constructed to comply with the building code.*
- *Every lodging room occupied for sleeping purposes by one person shall contain at least eighty (80) square feet of habitable floor area, and every room occupied for sleeping purposes by more than one person shall contain at least seventy-five (75) square feet of habitable floor area for each occupant thereof, provided that no more than seven (7) square feet of closet space may be included per occupant."*

It is decided that a kitchen requirement must also be inserted. L. Whalen comments that one reason to require a kitchen facility is that hot plates (which tend to be used when a dwelling has no kitchen facility) are major fire hazards. The Town Plan Commission adopts the Lake Delton, WI Ordinance kitchen requirement (to be inserted as a sixth bullet point), which reads:

- *"Every lodging facility shall have a kitchen. A kitchen means any room or area that has provisions for a sink, stove, refrigerator, cabinets, and shelves for storage of food, equipment and utensils, and a counter or table for food preparation."*

**c. Section 4.0 General Provisions: discuss possible addition of regulations regarding erosion control**

The Zoning Administrator presents a rough draft of what could be the text for Section 4.2 H, and notes that they are very basic guidelines for erosion control. The language reads as follows:

**"H. CONSTRUCTION SITE MAINTENANCE AND EROSION CONTROL**

*It is the intent of this Section to require erosion control practices that will reduce the amount of sedimentation and other pollutants from leaving project sites during construction or land disturbing activities and entering wetlands, shoreland areas, floodplains, drainage ways, waters of the State, adjacent property, or any public or private roadway.*

1. *This Section applies to all construction sites and land disturbing activities such as, but not limited to, land disturbing activity prior to excavation for foundation work, installation of driveways, parking areas, earth work on sites not directly related to structural concerns (filling and grading), and development of ponds and channelized water courses. This Section does not apply to the following:*
  - a. *Construction or land disturbing activity regulated by the Wisconsin Department of Commerce Uniform Dwelling Code or Commercial Building Code.*
  - b. *Non-point discharge from agricultural or silviculture land uses including but not limited to the harvesting of crops, growing and tending of gardens, harvesting of trees, and landscaping.*
2. *Where land-disturbing activity is to occur erosion and sediment control practices shall be employed, as necessary, and maintained to prevent or reduce the potential deposition of soil or sediment from leaving the site.*
3. *Land disturbing activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the sediment control practices are in place for each area to be disturbed.*

4. *Erosion control devices shall be used where necessary to minimize erosion and sedimentation. Erosion control devices include sedimentation basins, filter fences, straw bales and mulch, tarps, temporary and permanent seeding, sodding and channeling surface water around disturbed areas.*
5. *Monitoring. The owner or owner's agent shall check the erosion and sediment control practices for maintenance needs at all the following intervals until the site is stabilized:*
  - a. *At least weekly.*
  - b. *Within twenty-four (24) hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be considered to be the total amount of rainfall recorded in any continuous twenty-four (24) hour period.*
6. *Site de-watering. Water may not be discharged in a manner that causes erosion of the site, adjacent land, or receiving channels.*
7. *All waste and unused building materials, such as but not limited to garbage, oil, toxic materials, or hazardous materials, shall be properly disposed of and are not allowed to be carried by runoff into a receiving channel or stormwater drainage system.*
8. *All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.*
9. *Each site shall have a driveway surface of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment or mud tracking reaching a public or private road shall be removed before the end of each working day or more frequently if tracking causes a public nuisance to the traveling public.*
10. *Re-vegetation shall take place as soon as practicable, upon completion of construction. Re-vegetation involves seeding, sodding or mulching of bare soil as soon as possible. If construction is completed after September 15 of any given year, seeding or sodding may be delayed to the following year. Applying mulch is recommended. Straw bales or filter fences must be maintained until final seeding or sodding is completed in the spring, or no later than June 15 the following year.*
11. *Runoff from sites on slopes greater than 10% may require additional or different controls. Requirements for such slopes shall be as recommended by the WI Department of Natural Resources.*
12. *Shoreland filling, grading, lagooning, dredging, ditching or excavation may be permitted only in accordance with State Law and the Ashland County Shoreland Amendatory Ordinance. All permits shall be obtained prior to land disturbing activity."*

The Town Plan Commission discusses this proposed draft, and makes the following changes:

- Add the following sub-item 3 to 1.A: "Maintenance and repair of existing driveways."
- In item I, change "public nuisance to the traveling public" to "nuisance to the traveling public."

It is agreed to insert the above draft section into the Ordinance, where it will become Section 4.2 H (a copy of the draft with these changes is attached to these minutes).

**VII. New Business**

**1. Town Foreman's Ordinances for Town Plan Commission review**

**a. Driveways and Culverts**

Not discussed.

**b. Street, Sidewalk, and Public Areas**

Not discussed.

**VIII. Future Agenda Items**

**IX. Schedule of Next Meeting**

None scheduled at this point.

**X. Adjournment**

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 5 aye. Motion Carries. Meeting ends at 5:55 pm.

**Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, Monday, March 22, 2010.**

**Town Plan Commission Minutes are approved as amended by Margaretta Kusch; ZCA, Wednesday, April 14, 2010.**